

**REMARKS**

Claims 1-3, 5-7 and 15 are pending in the application. Claim 4 has been cancelled.

In the Office Action, the Examiner objected to the drawings, specifically asserting that Fig. 2 includes reference numerals 301, 302, which were not mentioned in the specification. The specification has been amended to include reference numerals 301 and 302. These amendments are supported at page 6, line 33 et seq. of the application. Applicants believe these amendments are fully responsive to the Examiner's concerns.

Claims 2 and 3 were objected to under 37 CFR 1.75(c) as being in improper dependent form, because the Examiner contended that these claims fail to further limit the subject matter of a previous claim. The Examiner specifically asserted that the recitation in claim 1 that "said H<sub>2</sub> gas dissolved water contains ammonia" infers that the water is already alkalized, as recited in claims 2 and 3. Applicants disagree, and traverse this objection on the grounds that, since the solution recited in claim 1 is not prevented from also containing an acidic component, the water of claim 1 is not necessarily alkalized, as recited in claims 2 and 3. Therefore, claims 2 and 3 further limit claim 1, and so meet the requirements of 37 CFR 1.75.

Consequently, the objection to claims 2 and 3 is improper and should be withdrawn.

Claim 4 was rejected under 35 U.S.C. §112, first paragraph. This rejection is moot, since claim 4 has been cancelled.

Claims 1, 2, 3 and 5 were rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 10 and 11 of U.S. Patent 6,277,205 (Nagamura). Claims 1-3, 5-7 and 15 were rejected under 35 U.S.C. §102(e) as being anticipated by Nagamura. Claims 1-3, 5-7 and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,039,815 (Yeol). These rejections are respectfully traversed.

Applicants hereby request reconsideration and allowance of the claims in view of the following arguments.

Regarding the double-patenting rejection of claims 1, 2, 3 and 5, submitted herewith is a copy of an assignment document assigning the interest of Mitsubishi Denki Kabushiki Kaisha in Nagamura to Renesas Technology Corp., and papers showing that the assignment document is being contemporaneously submitted for recordation by the U.S. Patent and Trademark Office. With this assignment, the present application and Nagamura are commonly owned.<sup>1</sup> Also submitted herewith is a Terminal Disclaimer in compliance with 37 CFR 1.321(c).

Since Nagamura and the present application are commonly owned, and a proper Terminal Disclaimer has been filed, the double patenting rejection has been overcome, and should be withdrawn.

Regarding the anticipation rejection of claims 1-3, 5-7 and 15 based on Nagamura, 35 U.S.C. § 102(e) requires that the invention “was described in . . . an application for patent . . . *by another* filed in the United States before the invention thereof by the applicant for patent”. A corrected Declaration was filed concurrently with the present continuing application under 37 CFR 1.53(b) on October 20, 2003. In the corrected Declaration, an incorrectly named co-inventor (Masaki Kusuvara) was removed and the correct co-inventor (Hozumi Usui) properly identified. Accordingly, the rejection over Nagamura cannot stand, as the requirements of 35 U.S.C. § 102(e) are not satisfied thereby. A copy of the corrected Declaration is attached hereto for the Examiner’s convenience. The inventive entities of the present application and Nagamura

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<sup>1</sup> Applicants note the name “M. Watanabe & Co., Ltd.” appears as an assignee of the present application, while the name “M. Watanabe Co., Ltd.” appears as an assignee of Nagamura. Since these two are the same entity, and the discrepancy is due to a typographical error, Applicants are not correcting the discrepancy in the names at this time. It can be corrected at a later time if necessary.

are, in fact, identical. Nagamura is not, therefore, an invention "by another" under 35 U.S.C. §102(e).

Accordingly, the 35 U.S.C. § 102(e) anticipation rejection of claims 1-3, 5-7 and 15 based on Nagamura is overcome, and withdrawal thereof is requested.

Regarding the obviousness rejection of independent claim 1 based on Yeol, it is contended in the Office Action that Yeol's teaching of a cleaning method for a particular application (i.e., LCD substrates) is sufficient to render obvious the use of a similar cleaning method for a half-tone, phase-shift mask, as claimed. Applicants disagree. The Office Action has not shown the required motivation existed for a skilled artisan to apply Yeol's teachings to yield the claimed mask washing method. Specifically, the Examiner has failed to establish a "reasonable expectation of success" in modifying the teachings of Yeol. A photomask and an LCD substrate are very different objects, and the Examiner has failed to establish that one skilled in the art faced with cleaning a photomask would look to a cleaning method used on LCD substrates for a solution. Thus, the Examiner has not made out a *prima facie* case of obviousness.

For these reasons, the obviousness rejection of independent claim 1 based on Yeol is improper and should be withdrawn, as well as the obviousness rejection of claims 2, 3, 5-7 and 15, which depend from claim 1.

Consequently, claims 1-3, 5-7 and 15 are patentable.

Accordingly, it is believed that all pending claims are now in condition for allowance. Applicants therefore respectfully request an early and favorable reconsideration and allowance of this application. If there are any outstanding issues which might be resolved by an interview or

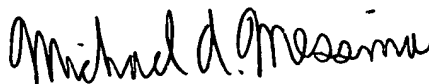
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an Examiner's amendment, the Examiner is invited to call Applicants' representative at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

A handwritten signature in black ink, appearing to read "Michael A. Messina".

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